

the affected employee which were conducted while in the employ of the current employer and which have not been provided to the examining physician.

(g) *Physician's written opinion.* (1) The employer shall ensure that, within 45 days of each examination required by this section, the employer and the employee must be provided with a copy of the examining physician's written opinion of the examination.

(2) The written opinion must contain at least the following information:

(i) The occupationally pertinent results of the medical examination and tests.

(ii) All medical conditions, if any, of the employee which the examining physician believes would subject the employee to a greater than normal risk of material impairment of health if the employee is exposed again to benzene.

(iii) The examining physician's recommended limitations, if any, upon the employee's future exposure to benzene or use of respirators or other personal protective clothing or equipment.

(iv) A statement that the employee has been informed by the physician of the results of the medical examination and of all medical conditions of the employee resulting from benzene exposure which require further explanation or treatment.

(3) The physician's written opinion must not reveal specific records, findings, or diagnoses that have no bearing on the employee's ability to work in a benzene-exposed workplace, ability to use a respirator, or ability to use personal protective clothing or equipment.

(h) *Removal from exposure.* (1) From the time an employee is referred to a hematologist or internist in compliance with paragraph (d)(2) of this section, the employee must not be permitted to enter areas where personal exposure may exceed the action level until the physician determines in compliance with paragraph (h)(2) of this section that the employee again may enter those areas.

(2) After examination by and consultation with the hematologist or internist, the examining physician decides whether or not to permit the employee to enter areas where personal exposure may exceed the action level.

The employee must provide the employer with a written copy of the physician's decision signed by the physician. If the decision recommends that the employee not be permitted to enter those areas, the decision must include the examining physician's opinion as to when the employee may be permitted to reenter those areas and the requirements for future medical examinations to review the decision.

(3) Within six months of the date a decision in compliance with paragraph (h)(2) of this section not to permit reentry is made, the employee must be provided with a follow-up examination and a decision of the examining physician (based on the follow-up examination and consultation with a hematologist or internist) as to whether reentry should be permitted and, if so, when, or whether it should be permanently prohibited.

[CGD 88-040, 56 FR 52135, Oct. 17, 1991; 56 FR 65006, Dec. 13, 1991, as amended by USCG-2014-0688, 79 FR 58289, Sept. 29, 2014]

§ 197.565 Notifying personnel of benzene hazards.

(a) *Material safety data sheet.* A material safety data sheet (MSDS) addressing benzene must be made available to all persons involved in the benzene operation. The MSDS must describe the physical and chemical characteristics, physical and health hazards, permissible exposure limits, precautions for safe handling and use, control measures such as personal protection equipment, and first aid procedures for benzene. A copy of appendices A and B of this subpart or a MSDS on benzene meeting the requirements of 29 CFR 1910.1200(g) is sufficient.

(b) *Training.* (1) All employees must be provided with training at the time of their initial assignment to a work area where benzene is present and, if exposures are above the action level, at least once a year thereafter. Employees transferring to a new work area must be provided with training specific to that new work area.

(2) The training must provide information on—

(i) Which operations on the vessel involve or may involve exposure to benzene;

(ii) The methods and observations that may be used to detect the presence or release of benzene;

(iii) The physical and health hazards associated with exposure to benzene;

(iv) The measures that may be taken and the equipment that may be used to protect persons from the hazards of benzene exposure;

(v) The proper selection, fitting, fit testing, and use of personal protective equipment in emergency situations;

(vi) The meaning of a regulated area and the means specified in § 197.535(c) to indicate a regulated area;

(vii) The contents of this subpart and of appendices A through E of this subpart and on where copies of this material are available; and

(viii) The medical surveillance program specified in § 197.560.

§ 197.570 Recordkeeping.

(a) *Record of personal exposure monitoring.* (1) The employer shall maintain an accurate record of all monitoring conducted in compliances with § 197.540 for three years.

(2) The record must include—

(i) The dates, number, duration, and results of each sample taken, and a description of the procedure used to determine representative personal exposures;

(ii) A description of the sampling and analytical methods used;

(iii) A description of the type of respirator and personal protective clothing and equipment worn, if any; and

(iv) The name, social security number, and job classification of each person monitored and of all other persons whose exposure the monitoring is intended to represent; and

(v) The exposure levels to which monitored persons were subjected, even if this level is below the PEL.

(b) *Medical record.* (1) The employer shall maintain an accurate medical record for each employee subjected to medical surveillance specified in § 197.560 for three years after the employee's employment is terminated.

(2) The record must include—

(i) The name and social security number of the employee;

(ii) The physician's written opinion on the initial, periodic, and special examinations of the employee, including

the results of medical examinations and tests and all opinions and recommendations;

(iii) A list of medical complaints, if any, by the employee related to exposure to benzene;

(iv) A copy of the information provided to the physician required in § 197.560(f)(2) through (f)(5); and

(v) A copy of the employee's medical and work history related to exposure to benzene or other hematologic toxin.

(c) *Availability of records.* (1) All records required to be maintained by this section must be made available upon request to the Coast Guard.

(2) Records of personal exposure monitoring in compliance with (a) of this section must be provided upon request to persons involved in the operation.

(3) A copy of each item entered into the medical record in compliance with paragraph (b) of this section for a particular employee must be given to that employee at the time the item is entered into the medical record.

(4) Medical records required by paragraph (b) of this section must be provided to persons upon the written request of the subject employee.

(d) *Transfer of records.* (1) If the employer ceases to do business and there is no successor to receive and retain the records for the prescribed period, the employer shall make the best effort to transfer all records required in paragraphs (a) and (b) of this section relating to the affected employees to those employees for their disposition. Before transferring medical records to former employees, the employer shall determine whether any forwarding address provided by the employee is still valid and whether the employee desires the records. If a current or former employee refuses to accept the records or does not respond to notification of their availability, the records shall be destroyed.

(2) If the employer ceases to engage in operations involving benzene, the employer shall retain the records for inspection unless the employee requests them as provided in § 197.570(c).

(e) *Confidentiality of records.* Except as specifically required by this Subpart, the employer shall keep confidential all records required to be maintained by this Subpart.